

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT GEORGIA
ATLANTA DIVISION**

AMERICAN GENERAL LIFE)
INSURANCE COMPANY, as successor)
in interest to The Old Line Insurance)
Company of America,)
Plaintiff,)

Case No.: 1:12-cv-3677-AT

v.)

YOUNGSUN MILLER and IGNACIA F.)
MILLER,)
Defendants.)

**MOTION OF PLAINTIFF / COUNTER-DEFENDANT FOR EXTENSION
OF TIME TO FILE RESPONSIVE PLEADING TO COUNTERCLAIM**

Plaintiff / Counter-Defendant American General Life Insurance Company, as successor in interest to The Old Line Insurance Company of America (“American General”), by and through its undersigned counsel, moves for an extension of time to and including February 1, 2013 to file its responsive pleading to the Counterclaim of Defendant / Counter-Plaintiff Youngsun Miller, and in support states as follows:

1. On October 22, 2012, American General filed its Complaint for Interpleader Relief pursuant to Fed.R.Civ.P. 22 against Defendants/Claimants Youngsun Miller and Ignacia F. Miller, seeking, *inter alia*, to interplead the death

benefit payable under life insurance policy No. 1849750 ("Policy"), which Policy insured the life of Kenneth G. Miller, deceased [ECF No. 1].

2. On December 21, 2012, Defendant Youngsun Miller filed her Answer to the Complaint for Interpleader Relief, Counterclaim against American General, and Crossclaim against Ignacia Miller [ECF No. 8].

3. American General's responsive pleading to the Counterclaim of Youngsun Miller is currently due January 11, 2013. Fed.R.Civ.P. 12(a)(1)(B).

4. American General respectfully requests a 21-day extension of time, to and including February 1, 2013, to file its responsive pleading to the Counterclaim of Youngsun Miller. American General has advised its counsel that it may reassign its representation in this action to other counsel in Atlanta, Georgia but that a decision has not yet been made. As such, American General requires a short extension of time for filing its responsive pleading to the Counterclaim of Youngsun Miller, so that it decide whether it will continue with its current counsel of record or retain new, successor counsel.

5. On January 11, 2013, one of the attorneys for American General, Jason M. Kuzniar, contacted counsel for Youngsun Miller, Mr. Vice de la Cruz and Mr. Jared Hodges. Mr. Kuzniar advised counsel of the foregoing and requested their consent to an extension of time. Messrs. de la Cruz and Hodges, after

conferring with George Johnson, who is lead counsel for Youngsun Miller, advised that they only would consent to the requested extension of time provided that American General agree to only file an answer to the Counterclaim rather than a motion attacking the Counterclaim. Mr. Kuzniar advised that he could not agree to any such condition because American General likely would be moving to dismiss the Counterclaim and because Mr. Kuzniar could not limit the option of successor counsel, if retained, to only filing an answer to the Counterclaim.

6. This is American General's first request for an extension of time and no party will be prejudiced by the relief requested herein.

WHEREFORE, American General respectfully requests this Court grant this Motion, allow American General to and including February 1, 2013 to file its responsive pleading to the Counterclaim of Youngsun Miller, and award to American General such other and further relief as this Court deems just and appropriate.

Respectfully submitted,

**American General Life Insurance
Company, Plaintiff / Counter-Defendant**

By: /s/ Sara J. Savage
One of its attorneys

7187-14015-00004

Sara J. Savage
Georgia Bar No. _____
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
525 Market Street - 17th Floor
San Francisco, CA 94105-2725
Tel: 415-433-0990
Fax: 415-434-1370
sara.savage@wilsonelser.com

Of counsel:
Jason M. Kuzniar
WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
55 W. Monroe St., Suite 3800
Chicago, IL 60603
Tel: 312.704.0550
Fax: 312.704.1522
Jason.Kuzniar@wilsonelser.com

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2013, I electronically filed the foregoing *Motion of Plaintiff / Counter-Defendant for Extension of Time to File Responsive Pleading to Counterclaim* with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

George Melville Johnson (gjohnson@melvillejohnson.com)

Julie M. Pomerantz (jpomerantz@mwlaw.com, dcoale@mwlaw.com)

s/ Sara J. Savage

Georgia Bar No. _____

Attorney for Plaintiff / Counter-
defendant American General Life
Insurance Company

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP
525 Market Street - 17th Floor
San Francisco, CA 94105-2725
Tel: 415-433-0990
Fax: 415-434-1370
sara.savage@wilsonelser.com